

## REMARKS

This amendment responds to the office action mailed December 29, 2004. In the office action the Examiner:

- requested Figure 5 be designated by a legend such as “Prior Art”;
- rejected claims 1-2, 5-7, 10-12, and 15-16 under 35 U.S.C. 102(e) as being anticipated by Tu et al. (USP 6,515,899);
- rejected claims 19-20 under 35 U.S.C. 103(a) as being unpatentable over Tu; and
- objected to claims 3-4, 8-9, 13-14, and 17-18 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

After entry of this amendment, the pending claims are: claims 1-27.

### Drawing Amendments

Applicants submit a new copy of Figure 4A and Figure 5 with this response, each amended with a “Prior Art” label.

### Claim Amendments

Applicants have rewritten claims 3, 8, 9, 13, 17, and 18 in independent form including all the limitations of the base claim and any intervening claims. Therefore, claims 3, 4, 8, 9, 13, 14, 17, and 18 should be in condition for allowance.

Applicants have amended claims 1, 10, and 19 and added new claims 21-27 to clarify that the high-voltage write path (or the diffusion region associated with the high-voltage write path) is situated between the low-voltage read path and the high-voltage capacitor (or the diffusion regions associated with the low-voltage read path and the high-voltage capacitor, respectively). Support for these amendments and additions is found in the specification from page 5, line 4 to page 6, line 26, in connection with Figs. 3A-3C. No new matter has been added by these amendments and additions.

### Claim Rejections

Claim 1, as amended, is directed to an nonvolatile memory cell. The memory cell has at least three elements, a high-voltage capacitor, a high-voltage write path, and a low-voltage read path, which are electrically coupled to each other. In particular, the high-voltage write path is physically situated between the high-voltage capacitor and the low-voltage read path.

As demonstrated in the specification from page 6, line 27 to page 8, line 10, in connection with Figs. 4A-4C, the size of an EEPROM cell according to the present invention is significantly smaller than that of a conventional EEPROM cell. Therefore, a die of the same size can host more memory cells.

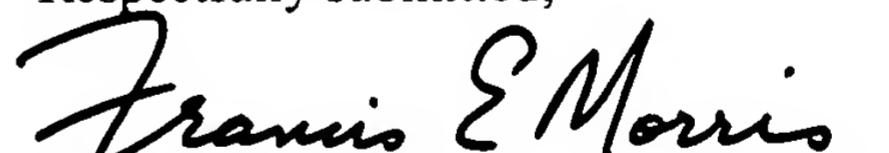
Tu does not teach or suggest that the high-voltage write path is situated between the high-voltage capacitor and the low-voltage read path. Instead, Tu discloses that it is the high-voltage capacitor that is situated between the low-voltage read path and the high-voltage write path. As a result, claims 1, 10, and 19, as amended, no longer read on Tu. Nor do claims 21-27 read on Tu.

Therefore, claims 1-27 are not anticipated by Tu and are patentable over Tu.

In view of the forgoing remarks, the claims in this application are believe to be in condition for allowance. Such action is respectfully requested. If the Examiner believes a telephone interview would expedite prosecution of this application, he is invited to call Applicants' attorney at the number given below.

Date: April 22, 2005

Respectfully submitted,



24,615

(Reg. No.)

Francis E. Morris

**MORGAN LEWIS & BOCKIUS**

LLP

101 Park Avenue

New York, NY 10178

(212) 309-6632